

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
Civil Action No. 7:22-cv-00156

CHRISTINE REITANO COOK, and)
GREGORY DOUGLAS COOK,)
)
Plaintiffs,)
)
v.)
)
ROADREADY TRANSFER SERVICE,)
INC., RICHMOND H. PAGE,)
Public Administrator of the)
ESTATE OF MICHAEL WARREN)
REICH,,)
)
Defendants.)
)

NOTICE OF REMOVAL

**TO THE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT:**

Defendants Roadready Transfer Service, Inc., and Defendant Richmond H. Page, Public Administrator of the Estate of Michael Warren Reich, through counsel and pursuant to 28 U.S.C. §§1441 and 1446, hereby remove to this Court the above-captioned action originally commenced in the Superior Court of Robeson County, North Carolina, File No.: 22-CVS-1996, and shows the Court the following grounds for removal:

1. This is an action for alleged personal injuries for compensatory and punitive damages arising out of a vehicular accident that occurred on July 29, 2019, on U.S. 74 in Cleveland County, North Carolina in which Michael Warren Reich died. At

the time of this accident and his death, Michael Warren Reich was a citizen and resident of Tomahawk, Wisconsin, and an employee of Roadready Transfer Service, Inc., a Wisconsin corporation.

2. Roadready Transfer Service, Inc., and Richmond H. Page, Public Administrator of the Estate of Michael Warren Reich, are the defendants in the civil action brought against them in the Superior Court of the State of North Carolina, Robeson County, titled Christine Reitano Cook and Gregory Douglas Cook v. Roadready Transfer Service, Inc., Richmond H. Page, Public Administrator of the Estate of Michael Warren Reich, (22-CVS-1996). Copies of the pleadings filed in the matter to date, including the Summons and Complaint, are attached hereto as Exhibits, pursuant to 28 U.S.C. §1441(a). The Complaint was filed on July 26, 2022, and the Summons was issued on July 26, 2022.

3. On August 18, 2022, service of the Summons and Complaint was made on defendant Roadready Transfer, Inc. via UPS, and on July 28, 2022, personal service of the Summons and Complaint was made on defendant Richmond H. Page, Public Administrator of the Estate of Michael Warren Reich by personal service.

4. The state court Complaint alleges that plaintiffs Christine Reitano Cook and Gregory Douglas Cook are citizens and

residents of Henrico County, Virginia. The state court Complaint further alleges that defendant Roadready Transfer Service, Inc. is a corporation incorporated under the laws of the state of Wisconsin.

5. The state court Complaint alleges that defendant Richmond H. Page, Public Administrator of the Estate of Michael Warren Reich, is the duly appointed Public Administrator of the Estate of Michael Warren Reich by the Robeson County Clerk of Superior Court.

6. Pursuant to 28 U.S.C. 1332(c)(2), for purposes of jurisdiction the legal representative of the estate of a decedent shall be deemed a citizen only of the decedent. Since the decedent Michael Warren Reich was a citizen and resident of Wisconsin at the time of his death, for purposes of determining jurisdiction, the Estate of Michael Warren Reich's legal representative is deemed to be Wisconsin. This complete diversity exists between the plaintiffs (Virginia) and defendants (Wisconsin).

7. A reasonable reading of the allegations of the Complaint indicates the amount of damages plaintiff is seeking is in excess of \$75,000.00, exclusive of costs and interest.

8. Because complete diversity exists and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs, this Court has original jurisdiction under the provisions of 28 U.S.C. §1332, and this matter may be removed to this Court pursuant to the provisions in 28 U.S.C. §1441 and 28 U.S.C. §1446(b).

9. The undersigned represents that each defendant consents to the removal of this action to this federal court.

10. Pursuant to 28 U.S.C. §1441(b), defendant has contemporaneously filed herewith their Verification of Notice to State Court of Notice of Removal.

This the 25th day of August, 2022.

s/ Ned A. Stiles
Ned A. Stiles
N.C. State Bar No.: 8997
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